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Hawkins
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UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: Pedro J. Cuevas

Art Unit: 2834

In re:

Applicant: Klaus-Peter Schmoll

Serial No.: 09/763,254

Filed: April 5, 2001

AMENDMENT

March 6, 2002

Hon. Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

Responsive to the Office Action of December 6, 2001, please
amend the application as follows:

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In the specification:

Please amend the specification as attached.

In the claims:

✓ Cancel claim 8.

Amend claim 1 as attached.

✓ Please provide the following new title of the invention:

✓ -- A FRACTURE RESISTANT PIEZOELECTRIC ACTUATOR

REMARKS

The last Office Action has been carefully considered.

It is noted that claims 1 and 4 and 6-8 are rejected under 35 U.S.C. 103 over the patent to Hanafy in view of the patent to Issartel.

Claim 5 is rejected over these references and further in view of common knowledge in the art.

Also, the drawings, the specification, the title of the invention and the claims are objected to and the claims are rejected under 35 U.S.C. 112.

In connection with the formal objections and rejections, applicants have submitted herewith a copy of the Figures 1-3 with the legend "Prior Art".

As required by the Examiner, a new specification and claims have been submitted herewith with an increased space on good quality paper.

The new title of the invention is provided as well, as suggested by the Examiner.

Finally, claim 1 has been amended to change the term "contacting" to the -- contact --.

It is believed that the grounds for formal objections and rejections are therefore eliminated.

It is respectfully submitted that the new features of present invention which are defined in the claims are not disclosed in the references.

The patent to Hanafy discloses an ultrasound transducer, which however is not an actuator as in the applicant's invention. From Figures 1-3 it can be understood that here the sound-transmitting webs 32, 34 are provided, which are coupled through the trough-shaped end side with a sound-radiating object 12. This construction however does not have at all the important feature of an actuator, which has a clamping assembly of a plurality of piezo-electric layers. In the drawings of the present application, this clamping assembly is not shown, but what is illustrated is an initial

condition before the clamping. This can be clearly derived from the description.

The object of this reference does not need any clamping, since the outer surface in the trough-like shape serves for radiation of sound. Thus, it is believed to be clear that this reference taken singly does not teach the new features of the present invention as defined in the claims, and these features can not be derived from this reference.

The Examiner combined the teaching of this reference with the teaching of the patent to Issartel. The patent to Issartel discloses only a starting point of the object of the present invention. It also does not teach the new features of present invention which are defined in the claims.

It is therefore believed that any combination of the references would not lead to the applicant's invention as defined in claim 1. These features can not be derived from the references either taken singly or in combination as a matter of obviousness.

Claim 1, together with other claims, should be considered as patentably distinguishing over the art and should be allowed.

Reconsideration and allowance of present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Any costs involved should be charged to the deposit account of the undersigned (No. 19-4675). Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,



Michael J. Striker
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